

JUDGE BERMAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MARK LISSER,

Defendant.

INFORMATION

24 CRIM 3411

COUNT ONE
(Securities Fraud)

The United States Attorney charges:

1. From at least in or about 2017 through at least in or about 2019, in the Southern District of New York and elsewhere, MARK LISSER, the defendant, willfully and knowingly, directly and indirectly, by the use of a means and instrumentality of interstate commerce, and of the mails and a facility of a national securities exchange, used and employed, in connection with the purchase and sale of a security, a manipulative and deceptive device and contrivance, in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by (a) employing a device, scheme, and artifice to defraud; (b) making and causing to be made an untrue statement of a material fact and omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engaging in an act, practice, and course of business which operated and would operate as a fraud and deceit upon a person, to wit, to induce investors to purchase interests in pre-IPO shares, LISSER made false and misleading statements about the pricing and availability of such pre-IPO shares, and misappropriated investor funds for improper purposes, and aided and abetted the same.

(Title 15, United States Code, Sections 78j(b) and 78ff;
Title 18, United States Code, Section 2.)

COUNT TWO
(Wire Fraud)

The United States Attorney further charges:

2. From at least in or about 2017 through at least in or about 2019, in the Southern District of New York and elsewhere, MARK LISSER, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, to induce investors to purchase interests in pre-IPO shares, LISSER made false and misleading statements about the pricing and availability of such pre-IPO shares, and misappropriated investor funds for improper purposes, including using interstate wires, some of which transited through the Southern District of New York, and aided and abetted the same.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE
(Investment Adviser Fraud)

The United States Attorney further charges:

3. From at least in or about 2017 through at least in or about 2019, in the Southern District of New York and elsewhere, MARK LISSER, the defendant, while acting as an investment adviser, willfully and knowingly used the mails and a means and instrumentality of interstate commerce, directly and indirectly, to (a) employ a device, scheme, and artifice to defraud a client and prospective client; (b) engage in a transaction, practice, and course of business which operated as a fraud and deceit upon a client and prospective client; and (c) engage in an act, practice, and course of business which was fraudulent, deceptive, and manipulative, to wit, LISSER, in violation

of his fiduciary duties, engaged in a scheme to defraud the funds he advised by making false and misleading statements about the pricing and availability of pre-IPO shares to the investors in those funds, and misappropriated investor funds for improper purposes, and aided and abetted the same.

(Title 15, United States Code, Sections 80b-6 and 80b-17;
Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

4. As a result of committing one or more of the offenses charged in Counts One through Three of this Information, MARK LISSER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses that the defendant personally obtained.

Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission by the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code Section 2461, to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981(a)(1)(C);
Title 21, United States Code, Section 853(p);
Title 28, United States Code, Section 2461.)


DAMIAN WILLIAMS
United States Attorney